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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

8 || MARITTE FUNCHES,

Plaintiff,

10 || VS.

11 RICK RIMINGTON, *et al.*

Defendants.

3:11-cv-00710-RCJ-WGC

ORDER

Plaintiff has filed a civil rights complaint. Neither a filing fee nor an application to proceed *in forma pauperis* was received with the complaint. The cover letter refers to a check, but no check was enclosed. It does not appear from the allegations presented that a promptly filed new action would be time-barred under the applicable two-year statute of limitations.

IT THEREFORE IS ORDERED that this action shall be DISMISSED without prejudice to the filing of a new properly commenced action under a new docket number with either the required filing fee or a properly completed application to proceed *in forma pauperis*.

The Clerk shall send plaintiff two copies each of an *in forma pauperis* application form for a prisoner and a blank Section 1983 complaint form, along with the instructions for each form and a copy of the papers that he submitted.

The Clerk shall enter final judgment accordingly, dismissing this action without prejudice.

DATED: This 5th day of October, 2011.

~~ROBERT C. JONES~~
Chief United States District Judge